

**Executive Summary – Enforcement Matter – Case No. 48712**

**City of Crystal City**

**RN101918233**

**Docket No. 2014-0729-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

City of Crystal City WWTF, at the terminus of Plant Street, approximately 0.2 mile northwest of the intersection of Plant Street and U.S. Highway 83, approximately two blocks west of the intersection of State Highway 393 and U.S. Highway 83 northwest of Crystal City, Zavala County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** June 19, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$8,688

**Amount Deferred for Expedited Settlement:** \$1,737

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$6,951

Name of SEP: Texas Association of Resource Conservation and Development Areas, Inc. (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 48712**  
**City of Crystal City**  
**RN101918233**  
**Docket No. 2014-0729-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** February 12, 2014 through March 12, 2014

**Date(s) of NOE(s):** May 9, 2014

***Violation Information***

1. Failed to prevent an unauthorized discharge into or adjacent to water in the state. Specifically, an unauthorized discharge of 10,000 gallons of untreated wastewater occurred on February 9, 2014 from the Zapata Lift Station No. 1 [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(4), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010098001, Permit Conditions Nos. 2.d and 2.g.].
2. Failed to provide notification to the Laredo Regional Office of a noncompliance within 24 hours of discovery. Specifically, the unauthorized discharge discovered on February 9, 2014 was not reported to the TCEQ until February 13, 2014 [30 TEX. ADMIN. CODE § 305.125(9) and TPDES Permit No. WQ0010098001, Monitoring and Reporting Requirements Nos. 7.a and 7.b.i.].
3. Failed to employ or contract a chief operator that possesses a license equal to or higher than that of the category of the Facility. Specifically, the Facility is rated as a category "B" facility; therefore, the Facility is required to have an operator that possesses a Class "B" or higher license. The Facility was operated by an operator holding a Class "C" license [30 TEX. ADMIN. CODE §§ 30.350(i) and 305.125(1) and TPDES Permit No. WQ0010098001, Other Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective actions:

- a. By February 9, 2014, had disinfected the affected area exposed to untreated wastewater;
- b. By February 13, 2014, submitted a noncompliance notification to the Laredo Regional Office of the unauthorized discharge that occurred on February 9, 2014; and
- c. By February 24, 2014, replaced the pump at the Zapata Lift Station No. 1, unclogged the lift station, and repaired the back-up pump.

**Executive Summary – Enforcement Matter – Case No. 48712**

**City of Crystal City**

**RN101918233**

**Docket No. 2014-0729-MWD-E**

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
  - a. Immediately, commence operating the Facility under the direct supervision of a properly licensed operator, an operator that possesses a Class "B" or higher license;
  - b. Within 30 days, update the Facility's operational guidance and conduct employee training to ensure that all reporting procedures are properly accomplished, including timely submittal of noncompliance notifications within 24 hours; and
  - c. Within 45 days, submit written certification of compliance with a. and b.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Jill Russell, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-4564; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

**Respondent:** The Honorable Ricardo Lopez, Mayor, City of Crystal City, 101 East Dimmit Street, Crystal City, Texas 78839-3505

**Respondent's Attorney:** N/A



**Attachment A**  
**Docket Number: 2014-0729-MWD-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>City of Crystal City</b>
<b>Penalty Amount:</b>	<b>Six Thousand Nine Hundred Fifty-One Dollars (\$6,951)</b>
<b>SEP Offset Amount:</b>	<b>Six Thousand Nine Hundred Fifty-One Dollars (\$6,951)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc.</b>
<b>Project Name:</b>	<b><i>Cleanup of Unauthorized Trash Dumpsites</i></b>
<b>Location of SEP:</b>	<b>Zavala County - Nueces River Basin, Carrizo-Wilcox Aquifer</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**a. Project**

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")** for the *Cleanup of Unauthorized Trash Dumpsites*. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to coordinate with city and county government officials and private entities ("Partner Entities") to clean up sites where trash, tires, or other materials have been illegally disposed of (the "Project").

The Third-Party Administrator shall ensure that collected debris and waste is properly transported to and disposed of at an authorized disposal facility. If a licensed hauler is needed for tires or other waste collected from sites, the Third-Party Administrator shall ensure that only properly licensed haulers are used for transport and disposal of tires and other waste. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that

City of Crystal City  
Agreed Order - Attachment A

is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP shall rid communities of the dangers and health threats associated with non-regulated dumping and will provide removal of waste that contaminates air, soil, and water, and harbors disease-carrying animals and insects.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.  
Attn.: Jerry Pearce, Executive Director  
P.O. Box 2533  
Victoria, Texas 77902

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

#### **4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the Project, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

#### **5. Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

#### **6. Recognition**

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

#### **7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.







# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	12-May-2014	<b>Screening</b>	20-May-2014	<b>EPA Due</b>	
	<b>PCW</b>	21-Oct-2015				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Crystal City		
<b>Reg. Ent. Ref. No.</b>	RN101918233		
<b>Facility/Site Region</b>	16-Laredo	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	48712	<b>No. of Violations</b>	1	
<b>Docket No.</b>	2014-0729-MWD-E	<b>Order Type</b>	1660	
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes	
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Jill Russell	
		<b>EC's Team</b>	Enforcement Team 3	
<b>Admin. Penalty \$ Limit Minimum</b>		\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$3,750
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	10.0%	Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$375
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Notes: Enhancement for one month of self-reported effluent violations and one NOV with same/similar violations.

<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$992  
Approx. Cost of Compliance: \$5,000

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$4,125
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$4,125
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$4,125
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<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$825
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$3,300
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Screening Date 20-May-2014

Docket No. 2014-0729-MWD-E

PCW

Respondent City of Crystal City

Policy Revision 4 (April 2014)

Case ID No. 48712

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101918233

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 10%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for one month of self-reported effluent violations and one NOV with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 10%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 10%

Screening Date 20-May-2014

Docket No. 2014-0729-MWD-E

PCW

Respondent City of Crystal City

Policy Revision 4 (April 2014)

Case ID No. 48712

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101918233

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 30.350(i) and 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010098001, Other Requirements No. 1

Violation Description

Failed to employ or contract a chief operator that possesses a license equal to or higher than that of the category of the Facility, as documented during a record review conducted from February 12, 2014 through March 12, 2014. Specifically, the Facility is rated as a category "B" facility; therefore, the Facility is required to have an operator that possesses a Class "B" or higher license. The Facility was operated by an operator holding a Class "C" license.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential		x	

Percent 15.0%

## &gt;&gt; Programmatic Matrix

	Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Operating the Facility without an appropriately licensed operator, may not allow for the proper maintenance and operation of the Facility's equipment. As a result, human health and the environment will or could be exposed to significant amount of pollutants which would not exceed protective levels.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 1

67 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

One quarterly event is recommended from the March 12, 2014 record review end date to the May 20, 2014 screening date.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$992

Violation Final Penalty Total \$4,125

This violation Final Assessed Penalty (adjusted for limits) \$4,125

# Economic Benefit Worksheet

**Respondent** City of Crystal City  
**Case ID No.** 48712  
**Reg. Ent. Reference No.** RN101918233  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel	\$5,000	12-Mar-2014	20-May-2014	0.19	\$47	\$945	\$992
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost (annual salary) of the difference between a Category C and Category B licensed operator's salary to operate the Facility. Date Required is the date the violation was documented. The Final Date is the screening date.

Approx. Cost of Compliance	\$5,000	<b>TOTAL</b>	\$992
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# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	12-May-2014	<b>Screening</b>	20-May-2014	<b>EPA Due</b>	
	<b>PCW</b>	24-Jun-2014				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Crystal City		
<b>Reg. Ent. Ref. No.</b>	RN101918233		
<b>Facility/Site Region</b>	16-Laredo	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	48712	<b>No. of Violations</b>	2
<b>Docket No.</b>	2014-0729-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Jill Russell
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$5,000
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	10.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$500
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Notes: Enhancement for one month of self-reported effluent violations and one NOV with same/similar violations.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$937
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$34  
Approx. Cost of Compliance \$10,295

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$4,563
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$4,563
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$4,563
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$912
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$3,651
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Screening Date 20-May-2014

Docket No. 2014-0729-MWD-E

PCW

Respondent City of Crystal City

Case ID No. 48712

Policy Revision 4 (April 2014)

Reg. Ent. Reference No. RN101918233

PCW Revision March 26, 2014

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 10%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for one month of self-reported effluent violations and one NOV with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 10%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 10%

Screening Date 20-May-2014

Docket No. 2014-0729-MWD-E

PCW

Respondent City of Crystal City

Policy Revision 4 (April 2014)

Case ID No. 48712

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101918233

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(4), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010098001, Permit Conditions Nos. 2.d and 2.g.

Violation Description

Failed to prevent an unauthorized discharge into or adjacent to water in the state, as documented during a record review conducted from February 12, 2014 through March 12, 2014. Specifically, an unauthorized discharge of 10,000 gallons of untreated wastewater occurred on February 9, 2014 from the Zapata Lift Station No. 1.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 15.0%

## &gt;&gt; Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants as a result of the discharge of untreated wastewater.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 1

15 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

One monthly event is recommended from the February 9, 2014 unauthorized discharge date to the February 24, 2014 compliance date.

## Good Faith Efforts to Comply

25.0% Reduction

\$937

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent achieved compliance by February 24, 2014.

Violation Subtotal \$2,813

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$23

Violation Final Penalty Total \$3,188

This violation Final Assessed Penalty (adjusted for limits) \$3,188

# Economic Benefit Worksheet

**Respondent** City of Crystal City  
**Case ID No.** 48712  
**Reg. Ent. Reference No.** RN101918233  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment	\$3,520	9-Feb-2014	24-Feb-2014	0.04	\$0	\$10	\$10
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$6,500	9-Feb-2014	24-Feb-2014	0.04	\$13	n/a	\$13

### Notes for DELAYED costs

Actual equipment cost of the lift station pump. Equipment Date Required is the date of the unauthorized discharge event. Final Date is the invoice date. Estimated cost to disinfect the affected area exposed to untreated wastewater, unclog the lift station, and labor to install the lift station pump and repair the back-up pump. Other Date Required is the date of the unauthorized discharge event. Final Date is the compliance date.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,020

**TOTAL**

\$23



Screening Date 20-May-2014

Docket No. 2014-0729-MWD-E

PCW

Respondent City of Crystal City

Policy Revision 4 (April 2014)

Case ID No. 48712

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101918233

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 305.125(9) and TPDES Permit No. WQ0010098001,  
Monitoring and Reporting Requirements Nos. 7.a and 7.b.i

Violation Description

Failed to provide notification to the Laredo Regional Office of a noncompliance within 24 hours of discovery, as documented during a record review conducted from February 12, 2014 through March 12, 2014. Specifically, the unauthorized discharge discovered on February 9, 2014 was not reported to the TCEQ until February 13, 2014.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

	Major	Moderate	Minor
Falsification	X		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

## Violation Events

Number of Violation Events 1

3 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,250

One single event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$1,375

This violation Final Assessed Penalty (adjusted for limits) \$1,375

# Economic Benefit Worksheet

**Respondent** City of Crystal City  
**Case ID No.** 48712  
**Reg. Ent. Reference No.** RN101918233  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	12-Mar-2014	6-Jan-2015	0.82	\$10	n/a	\$10
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	10-Feb-2014	13-Feb-2014	0.01	\$0	n/a	\$0

### Notes for DELAYED costs

Estimated costs to submit the noncompliance report for the unauthorized discharge (\$25 each report) and to update the Facility's operational guidance and conduct employee training to ensure that all unauthorized discharges are reported in a timely manner. Training Date Required is the record review end date and the Final Date is the expected date of compliance. Other Date Required is the date that the 24-hour notification of noncompliance was due. The Final Date is the date the written notification was submitted.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Approx. Cost of Compliance

\$275

**TOTAL**

\$10

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

**PUBLISHED** Compliance History Report for CN600679203, RN101918233, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN600679203, City of Crystal City

**Classification:** SATISFACTORY

**Rating:** 0.18

**Regulated Entity:** RN101918233, City Of Crystal City

**Classification:** SATISFACTORY

**Rating:** 0.33

**Complexity Points:** 5

**Repeat Violator:** NO

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** Located at the terminus of Plant Street, approximately 0.2 mile northwest of the intersection of Plant Street and United States Highway 83, approximately two blocks west of the intersection of State Highway 393 and United States Highway 83 northwest of Crystal City, Zavala County, Texas

**TCEQ Region:** REGION 16 - LAREDO

**ID Number(s):**

**WASTEWATER PERMIT** WQ0010098001

**WASTEWATER EPA ID** TX0053392

**WASTEWATER AUTHORIZATION** R10098001

**WASTEWATER AUTHORIZATION** R10098001A

**WASTEWATER LICENSING LICENSE** WQ0010098001

**Compliance History Period:** September 01, 2008 to August 31, 2013

**Rating Year:** 2013

**Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** May 13, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** May 13, 2009 to May 13, 2014

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Jill Russell

**Phone:** (512) 239-4564

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

## Components (Multimedia) for the Site Are Listed in Sections A - J

**A. Final Orders, court judgments, and consent decrees:**

N/A

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	May 20, 2009	(769978)	Item 28	February 16, 2012	(998580)
Item 2	June 22, 2009	(809583)	Item 29	March 19, 2012	(1004109)
Item 3	August 20, 2009	(809584)	Item 30	April 18, 2012	(1010672)
Item 4	September 21, 2009	(809585)	Item 31	May 18, 2012	(1017050)
Item 5	October 19, 2009	(809586)	Item 32	July 02, 2012	(1032172)
Item 6	December 16, 2009	(809588)	Item 33	August 21, 2012	(1038600)
Item 7	December 30, 2009	(809589)	Item 34	September 18, 2012	(1047469)
Item 8	February 22, 2010	(809582)	Item 35	October 18, 2012	(1064008)
Item 9	March 18, 2010	(832621)	Item 36	November 19, 2012	(1064009)
Item 10	April 19, 2010	(902852)	Item 37	December 19, 2012	(1064010)
Item 11	May 18, 2010	(832622)	Item 38	January 28, 2013	(1080300)
Item 12	June 17, 2010	(846816)	Item 39	February 19, 2013	(1080299)
Item 13	July 19, 2010	(867507)	Item 40	March 18, 2013	(1089940)
Item 14	August 19, 2010	(867508)	Item 41	April 18, 2013	(1096335)
Item 15	November 23, 2010	(882092)	Item 42	May 20, 2013	(1107279)
Item 16	December 15, 2010	(888562)	Item 43	June 17, 2013	(1110944)
Item 17	December 16, 2010	(896907)	Item 44	August 22, 2013	(1125602)
Item 18	January 18, 2011	(902853)	Item 45	September 10, 2013	(1104938)
Item 19	February 17, 2011	(909703)	Item 46	September 20, 2013	(1130168)
Item 20	April 15, 2011	(926829)	Item 47	October 18, 2013	(1135924)
Item 21	May 19, 2011	(938641)	Item 48	November 18, 2013	(1141317)
Item 22	June 17, 2011	(946006)	Item 49	December 16, 2013	(1138691)
Item 23	July 29, 2011	(953267)	Item 50	December 19, 2013	(1147782)
Item 24	August 17, 2011	(959908)	Item 51	January 21, 2014	(1153834)
Item 25	September 19, 2011	(965947)	Item 52	February 21, 2014	(1161164)
Item 26	October 18, 2011	(971989)			
Item 27	December 19, 2011	(984924)			

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1      Date:    06/30/2013    (1117815)                      CN600679203  
Self Report?   YES    Classification:    Moderate  
Citation:        2D TWC Chapter 26, SubChapter A 26.121(a)  
                     30 TAC Chapter 305, SubChapter F 305.125(1)  
Description:    Failure to meet the limit for one or more permit parameter
  
- 2      Date:    12/18/2013    (1134677)                      CN600679203  
Self Report?   NO    Classification:    Moderate  
Citation:        2D TWC Chapter 26, SubChapter A 26.121(a)  
                     2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
                     2D TWC Chapter 26, SubChapter A 26.121(a)(3)  
                     2D TWC Chapter 26, SubChapter A 26.121(b)  
                     2D TWC Chapter 26, SubChapter A 26.121(c)  
  
                     2D TWC Chapter 26, SubChapter A 26.121(d)  
                     2D TWC Chapter 26, SubChapter A 26.121(e)  
                     30 TAC Chapter 305, SubChapter F 305.125(4)  
                     30 TAC Chapter 305, SubChapter F 305.125(5)  
                     TWC Chapter 26 26.121  
                     TWC Chapter 26 26.121(a)(2)  
Description:    Failure to prevent an unauthorized discharge of partially treated or untreated sewage.

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF CRYSTAL CITY  
RN101918233**

§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2014-0729-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Crystal City ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility at the terminus of Plant Street, approximately 0.2 mile northwest of the intersection of Plant Street and United States Highway 83, approximately two blocks west of the intersection of State Highway 393 and United States Highway 83 northwest of Crystal City, Zavala County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 14, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Eight Thousand Six Hundred Eighty-Eight Dollars (\$8,688) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). One Thousand Seven Hundred Thirty-Seven Dollars (\$1,737) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Six Thousand Nine Hundred Fifty-One Dollars (\$6,951) of the administrative penalty shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that:
  - a. By February 9, 2014, the Respondent had disinfected the affected area exposed to untreated wastewater;
  - b. By February 13, 2014, the Respondent submitted a noncompliance notification to the Laredo Regional Office of the unauthorized discharge that occurred on February 9, 2014; and
  - c. By February 24, 2014, the Respondent replaced the pump at the Zapata Lift Station No. 1, unclogged the lift station, and repaired the back-up pump.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.



## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to prevent an unauthorized discharge into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(4), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010098001, Permit Conditions Nos. 2.d and 2.g., as documented during a record review conducted from February 12, 2014 through March 12, 2014. Specifically, an unauthorized discharge of 10,000 gallons of untreated wastewater occurred on February 9, 2014 from the Zapata Lift Station No. 1.
2. Failed to provide notification to the Laredo Regional Office of a noncompliance within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 305.125(9) and TPDES Permit No. WQ0010098001, Monitoring and Reporting Requirements Nos. 7.a and 7.b.i, as documented during a record review conducted from February 12, 2014 through March 12, 2014. Specifically, the unauthorized discharge discovered on February 9, 2014 was not reported to the TCEQ until February 13, 2014.
3. Failed to employ or contract a chief operator that possesses a license equal to or higher than that of the category of the Facility, in violation of 30 TEX. ADMIN. CODE §§ 30.350(i) and 305.125(1) and TPDES Permit No. WQ0010098001, Other Requirements No. 1, as documented during a record review conducted from February 12, 2014 through March 12, 2014. Specifically, the Facility is rated as a category "B" facility; therefore, the Facility is required to have an operator that possesses a Class "B" or higher license. The Facility was operated by an operator holding a Class "C" license.

## II. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Crystal City, Docket No. 2014-0729-MWD-E " to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Six Thousand Nine Hundred Fifty-One Dollars (\$6,951) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, commence operating the Facility under the direct supervision of a properly licensed operator, an operator that possesses a Class "B" or higher license, in accordance with 30 TEX. ADMIN. CODE §§ 30.350 and 305.125 and TPDES Permit No. WQ0010098001, Other Requirements.
  - b. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that all reporting procedures are properly accomplished, including timely submittal of noncompliance notifications within 24 hours, in accordance with 30 TEX. ADMIN. CODE § 305.125 and TPDES Permit No. WQ0010098001, Monitoring and Reporting Requirements.
  - c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 3.a and 3.b. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with all permit conditions. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
Laredo Regional Office  
Texas Commission on Environmental Quality  
707 East Calton Road, Suite 304  
Laredo, Texas 78041-3887

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature

could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

  
For the Executive Director

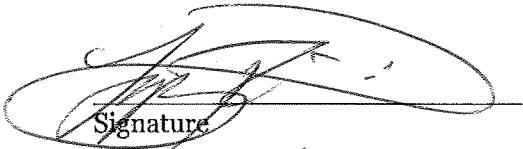
12/4/15  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

11/4/15  
Date

Ricardo Lopez  
Name (Printed or typed)  
Authorized Representative of  
City of Crystal City

Mayor  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.



**Attachment A**  
**Docket Number: 2014-0729-MWD-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>City of Crystal City</b>
<b>Penalty Amount:</b>	<b>Six Thousand Nine Hundred Fifty-One Dollars (\$6,951)</b>
<b>SEP Offset Amount:</b>	<b>Six Thousand Nine Hundred Fifty-One Dollars (\$6,951)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc.</b>
<b>Project Name:</b>	<b><i>Cleanup of Unauthorized Trash Dumpsites</i></b>
<b>Location of SEP:</b>	<b>Zavala County - Nueces River Basin, Carrizo-Wilcox Aquifer</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**a. Project**

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")** for the *Cleanup of Unauthorized Trash Dumpsites*. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to coordinate with city and county government officials and private entities ("Partner Entities") to clean up sites where trash, tires, or other materials have been illegally disposed of (the "Project").

The Third-Party Administrator shall ensure that collected debris and waste is properly transported to and disposed of at an authorized disposal facility. If a licensed hauler is needed for tires or other waste collected from sites, the Third-Party Administrator shall ensure that only properly licensed haulers are used for transport and disposal of tires and other waste. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that

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is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP shall rid communities of the dangers and health threats associated with non-regulated dumping and will provide removal of waste that contaminates air, soil, and water, and harbors disease-carrying animals and insects.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.  
Attn.: Jerry Pearce, Executive Director  
P.O. Box 2533  
Victoria, Texas 77902

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087



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**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the Project, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

**6. Recognition**

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.